

111TH CONGRESS
1ST SESSION

H. R. 2283

To amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2009

Mr. MORAN of Kansas introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DIRECT LIFECYCLE GREENHOUSE GAS EMIS-**
4 **SIONS.**

5 Section 211(o) of the Clean Air Act (42 U.S.C.
6 7545(o)) is amended as follows:

7 (1) In paragraph (1), by striking subparagraph
8 (H) and inserting the following:

1 “(H) LIFECYCLE GREENHOUSE GAS EMIS-
2 SIONS.—

3 “(i) IN GENERAL.—The term ‘lifecycle
4 greenhouse gas emissions’ means the ag-
5 gregate quantity of direct greenhouse gas
6 emissions relating to the full fuel lifecycle,
7 as determined by the Administrator based
8 on—

9 “(I) measurements taken using
10 the most recent observable data; and

11 “(II) consideration of regional
12 differences of renewable fuel produc-
13 tion.

14 “(ii) INCLUSIONS.—The term
15 ‘lifecycle greenhouse gas emissions’ in-
16 cludes greenhouse gas emissions from all
17 stages of fuel and feedstock production and
18 distribution, from feedstock generation or
19 extraction through the distribution and de-
20 livery and use of the finished fuel to the
21 ultimate consumer, where the mass values
22 for all greenhouse gases are adjusted to ac-
23 count for the relative global warming po-
24 tential of the greenhouse gases.

1 “(iii) AVAILABILITY OF MODEL.—The
2 Administrator shall make the model used
3 in measuring lifecycle greenhouse gas emis-
4 sions publicly available before publishing
5 any administrative action on lifecycle
6 greenhouse gas emissions.”.

7 (2) By inserting after paragraph (12) the fol-
8 lowing:

9 “(13) WAIVER AUTHORITY.—

10 “(A) IN GENERAL.—A renewable fuel man-
11 ufacturer may petition the Administrator to
12 waive, and the Administrator may waive, the
13 lifecycle greenhouse gas emission reduction re-
14 quirements for renewable fuel production set
15 forth in paragraph (2)(A) if, as determined by
16 the Administrator—

17 “(i) the requirements are the primary
18 or contributing factor of a failure to
19 achieve the applicable renewable fuels
20 standard for biomass-based diesel, conven-
21 tional biofuel, cellulosic biofuel, or ad-
22 vanced biofuel;

23 “(ii) the requirements are causing
24 economic harm within the biofuels indus-
25 try; or

1 “(iii) the requirements are directly or
2 indirectly increasing the dependence of the
3 United States on foreign oil.

4 “(B) INNOVATIVE PRODUCTION METH-
5 ODS.—

6 “(i) IN GENERAL.—A renewable fuel
7 manufacturer may petition the Adminis-
8 trator to certify an innovative production
9 method that may result in lower lifecycle
10 greenhouse gas emissions than the lifecycle
11 greenhouse gas emissions of a renewable
12 fuel determined by the Administrator
13 under paragraph (1)(H).

14 “(ii) REQUIREMENTS.—A petition
15 submitted under clause (i) shall include a
16 full lifecycle greenhouse gas emission anal-
17 ysis of the applicable renewable fuel based
18 on the lifecycle greenhouse gas emission
19 model used by the Administrator.

20 “(C) FAILURE TO ACT.—If the Adminis-
21 trator does not approve or deny a petition sub-
22 mitted under subparagraph (A) or (B) by the
23 date that is 90 days after the date of receipt of
24 the petition, the petition shall be considered to
25 be approved.

1 “(14) STATE LOW-CARBON FUEL STAND-
2 ARDS.—

3 “(A) IN GENERAL.—No waiver may be
4 granted under subparagraph (B) or (C) of sub-
5 section (c)(4) in the case of a State low-carbon
6 fuel standard or similar policy that requires a
7 reduction in lifecycle greenhouse gas emissions
8 for renewable fuels, unless the State standard
9 or policy applies a lifecycle greenhouse gas
10 emission baseline identical to the lifecycle
11 greenhouse gas emissions of the fuel concerned
12 as determined by the Administrator under para-
13 graph (1)(H) and used for the Federal renew-
14 able fuels standard under this subsection.

15 “(B) BASIS FOR MEASUREMENTS.—Meas-
16 urements taken under a State standard for re-
17 newable fuel described in subparagraph (A)
18 shall be based on observable data relating to
19 the direct lifecycle greenhouse gas emissions
20 from the renewable fuel.”.

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